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Former Campaign Worker in Essex County Convicted at Trial of Engaging in Ballot Fraud in 2007 Races in 29th Legislative District

Faces sentence of five to 10 years in prison on charges of conspiracy and election fraud



John Fernandez

TRENTON – Attorney General Jeffrey S. Chiesa announced that an Essex County man was convicted at trial today for submitting fraudulent absentee ballots while working for the 2007 campaign of Teresa Ruiz for the New Jersey Senate in the 29th District.

John Fernandez, 61, of Belleville, was found guilty of election fraud by a Mercer County jury following a two-week trial before Superior Court Judge Robert C. Billmeier. The jury found Fernandez guilty of charges of conspiracy (2nd degree), election fraud (2nd degree), absentee ballot fraud (3rd degree), tampering with public records or information (3rd degree), and forgery (4th degree). Deputy Attorneys General Cynthia M. Vazquez and Victor Salgado conducted the trial for the Division of Criminal Justice Corruption Bureau.

The jury found by its verdict that Fernandez, who works for the Essex County Department of Economic Development, fraudulently tampered with documentation for absentee "messenger" ballots in the Nov. 6, 2007 general election, submitting such ballots on behalf of voters who never received the ballots or had an opportunity to cast their votes. The second-degree charges carry a sentence of five to 10 years in state prison. Judge Billmeier scheduled sentencing for Fernandez for Nov. 30.

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"This guilty verdict should stand as a warning to anyone who would try to corrupt the election process in New Jersey and undermine the right of our citizens to vote and have their votes counted fairly," said Attorney General Chiesa. "We will aggressively prosecute election fraud."

"Our successful prosecution of this case and related cases depended on the cooperation of voters who had been exploited and, in some cases, disenfranchised by the defendants we have convicted," said Director Stephen J. Taylor of the Division of Criminal Justice. "In every election, we urge voters throughout New Jersey to contact the Division of Criminal Justice if they have reason to suspect voter fraud."

Fernandez was charged in 2009 along with other defendants in an investigation by the Division of Criminal Justice Corruption Bureau and the Essex County Prosecutor's Office Corruption Unit. The defendants were charged in multiple indictments related to absentee ballots they collected and submitted as workers for Ruiz's 2007 campaign for the New Jersey Senate. Four other defendants previously pleaded guilty, and another three forfeited their public positions and were admitted by the court into the Pre-Trial Intervention Program.

The state presented testimony and evidence at trial that Fernandez participated in a conspiracy in which he and others solicited applications for messenger ballots from individuals not qualified to receive them and fraudulently designated themselves as the authorized messengers or bearers. They obtained messenger ballots from the county clerk and submitted them to the board of elections as votes on behalf of voters who, in fact, never received or voted the ballots.

At the time of the Nov. 6, 2007 general election, messenger ballots were only for voters homebound due to illness, infirmity or disability. Such voters could complete an application designating a family member or a registered voter in the county as a messenger or bearer. The bearer was authorized to obtain an absentee ballot from the county board of elections, take it to the voter, and return a completed ballot to the county board. New rules regarding such ballots have since been adopted.

Second-degree crimes carry a sentence of five to 10 years in prison and a fine of up to \$150,000, while third-degree crimes carry a sentence of three to five years in prison and a fine of up to \$15,000. Fourth-degree crimes carry a sentence of up to 18 months in prison and a \$10,000 fine.

The investigation was led for the Division of Criminal Justice Corruption Bureau by Deputy Attorney General Vincent J. Militello, Sgt. James Scott and Sgt. Lisa Shea. It was conducted for the Essex County Prosecutor's Corruption Unit by Chief Assistant Prosecutor Clara M. Rodriguez, former Assistant Prosecutor Brandon Minde, Lt. David Sanabria and Detective Elizabeth Cassidy. Valuable assistance was provided by Analyst Kathleen Ratliff and all of the detectives in the Division of Criminal Justice Corruption Bureau North. Deputy Attorneys General Vazquez and Salgado were assisted at trial by Analyst Catherine Lodato and Detective Robyn Greene.

In March 3, 2010, another defendant, Gianine Narvaez, 39, of Belleville, a former data processing technician for the Essex County Commissioner of Registration and Superintendent of Elections, pleaded guilty to third-degree charges of absentee ballot fraud and tampering with public records or information. She is awaiting sentencing. The state will recommend that she be sentenced to three years in prison, including a mandatory two-year period of parole ineligibility. She forfeited her job and public pension, and she will be permanently barred from public employment in New Jersey.

Two other defendants, Edwin Cruz, 50, of Newark, and Rocio Rivera, 52, of Washington, N.J. (Hunterdon County), pleaded guilty last year. Cruz pleaded guilty to third-degree tampering with public records or information, and Rivera pleaded guilty to third-degree absentee ballot fraud. They are awaiting sentencing. The state will recommend that each be sentenced to a term of probation. Rivera forfeited her job in the Essex County Sheriff's Office. Angel Colon, 49, of Newark, pleaded guilty to second-degree election fraud and was sentenced in January 2012 to five years of probation. The state has appealed his sentence, arguing that he should have received a sentence of five to 10 years in prison based on his guilty plea.

Ruiz's husband, former Essex County Freeholder Samuel Gonzalez, was also charged in the case. In March 2011, he agreed to forfeit his seat on the freeholder board and his job as an aide to a Newark city councilman, and he was admitted into the Pre-Trial Intervention Program (PTI). Two other defendants forfeited jobs with the City of Newark or Essex County and entered PTI.

Attorney General Chiesa and Director Taylor noted that the Division of Criminal Justice has established a toll-free Corruption Tipline **1-866-TIPS-4CJ** for the public to report corruption, financial crime and other illegal activities confidentially. The public can also log on to the Division's webpage at www.njdcj.org to report suspected wrongdoing confidentially.

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